SUPPORTING STATEMENT

30 CFR Sections 75.372**,** 75.373, 75.1200, 75.1200-1, 75.1201, 75.1202, 75.1202-1, 75.1203, 75.1204, 75.1204-1, 75.1721, 77.1200, 77.1201, 77.1202, Requirements for the preparation and maintenance of accurate and up-to-date mine maps (pertains to underground and surface coal mines); Requirements for the submittal to MSHA of Final Mine Ventilation Maps and for a record of Mine Closure (pertains to underground coal mines); and Requirements for Notification and information submittal to MSHA for the reopening of previously abandoned or the opening of new mines (pertains to underground coal mines)

A. Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

The requirements for this collection are a result of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. Section 312 (a),(b), & (c). Title 30 CFR 75.1200, 75.1200-1, 75.1201, 75.1202, 75.1202-1, and 75.1203 requiring underground coal mine operators to have in a fireproof repository in an area on the surface of the mine chosen by the mine operator to minimize the danger of destruction by fire or other hazards, an accurate and up-to-date map of such mine drawn to scale. These standards specify the information which must be shown: the range of acceptable scale; the surveying technique or equivalent accuracy required of the surveying which must be used to prepare the map; that the maps must be certified as accurate by a registered engineer or surveyor; that the maps must be kept continuously up-to-date by temporary notations and must be revised and supplemented to include the temporary notations at intervals of not more than 6 months. In addition, the mine operator must provide the MSHA District Manager a copy of the certified mine map annually during the operating life of the mine. These maps are essential to the planning and safe operation of the mine. In addition, these maps provide a graphic presentation of the locations of working sections and the locations of fixed surface and underground mine facilities and equipment, escapeway routes, coal haulage and man and materials haulage entries and other information essential to mine rescue or mine fire fighting activities in the event of mine fire, explosion or inundations of gas or water. The information is essential to the safe operation of adjacent mines and mines approaching the worked out areas of active or abandoned mines. Section 75.372 requires underground mine operators to submit three copies of an up-to-date mine map to the District Manager at intervals not exceeding 12 months.

Title 30 CFR 75.1204 and 75.1204-1 require that whenever an underground coal mine operator permanently closes or abandons a coal mine, or temporarily closes a coal mine for a period of 90 days, the operator shall file with MSHA a copy of the mine map revised and supplemented to the date of closure. Maps are retained in a repository and are made available to mine operators of adjacent properties. The maps are necessary to provide an accurate record of underground areas that have been mined to help prevent active mine operators from mining into abandoned areas that may contain water or harmful gases.

Title 30 CFR 77.1200, 77.1201 and 77.1202 requires surface coal mine operators to maintain an accurate and up-to-date map of the mine and specifies the information to be shown on the map, the acceptable range of map scales, that the map be certified by a registered engineer or surveyor,

that the map be available for inspection by the Secretary or his authorized representative. These maps are essential for the safe operation of the mine and provide essential information to operators of adjacent surface and underground mine operators. Properly prepared effectively utilized surface mine maps can prevent outbursts of water impounded in underground mine workings and/or inundations of underground mines by surface impounded water or water and or gases impounded in surface auger mining worked out areas.

Title 30 75.373 and 75.1721 require that after a mine is abandoned or declared inactive and before it is reopened, mine operations shall not begin until MSHA has been notified and has completed an inspection. Standard 75.1721 specifies that the notification be in writing and lists specific information, preliminary arrangements and mine plans which must be submitted to the MSHA District Manager.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

The information is used by operators of coal mines for effective and safe mine planning and when approaching abandoned underground mines or the worked out and inaccessible areas of an active underground or surface mine. The abandoned mine or inaccessible areas of an active mine could be flooded with water or contain explosive amounts of methane or harmful gases. If the operator were to mine into such an area, unaware of the hazards, miners could be killed or seriously injured. The requirements to provide MSHA with certified underground mine maps annually, access for inspection of surface mine maps and the filing of mine closure maps provides essential information for MSHA to plan and conduct mandatory inspections and review and approve mandatory mine plans and permits. The required notifications prior to opening new mines and reopening abandoned mines provide information to the same purpose. Accurate and up-to-date mine maps are essential to the engineering plans and safe operation of mines and to the health and safety of the miners. In addition, the mine closure maps also provide information essential to protecting public safety in the future land uses of the abandoned mine sites.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

Facsimile machines capable of scanning and transmitting documents greater than 8.5" x 11" in size are not commonly used and are not cost effective. Similarly, digital/electronic files used for computer generated maps are huge and require sophisticated printers or plotters and computer software. MSHA does not maintain libraries of software or large plotters at the district offices which would allow electronic transfer and reproduction of maps.

Xerox paper or mylar copies, hand delivered, mailed or delivered are the most practical and economical means transmitting mine maps. These prints can be as small 24" x 36" or in segments as large as 48" x 120" (as many segments and as large as the mine size and map scale dictates). MSHA provides copies of the mine abandonment maps submitted to the District Managers under 30 CFR 75.1204-1. to the U.S. Department of Interior, Office of Surface Mining, Reclamation and Enforcement (OSM), OSM microfilms and retains the maps in a repository which is available to

the public and to mine operators of adjacent properties upon request.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.The information can only be provided by the mine operators who develop the areas, plan and conduct the mining, and create the mine workings which are eventually worked out and finally abandoned. MSHA requires underground mine operators to submit maps when an area is abandoned. This information is microfilmed and retained in a map repository and is made available to the public and to the mine operators of adjacent properties. In addition, some States require underground mine operators to submit final, mine closure maps and retain them in map repositories. However, the microfilm repository maintained by the U.S. Department of Interior's Office of Surface Mining Reclamation & Enforcement (OSM) containing copies of the maps submitted to the MSHA District Managers, is the best organized, indexed, and complete source of information available.

Maps are unique to each mine. There is no other source for this information.

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.

This information does not have a significant impact on small businesses or other small entities. However, MSHA has made available on our web-site various sources of information, such as "Technical Assistance," "Best Practices," and an "Accident Prevention" site. To assist with compliance, these provide tips and general information on a number of various topics.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

Mine operators are required to conduct surveys to ensure that mine maps are maintained accurately and are up-to-date. The maps must be revised not more than every 6 months and must be certified accurate by a registered engineer or surveyor. Copies of the certified underground maps should be submitted to MSHA annually. Up-to-date and revised mine closure map whenever an operator permanently closes or abandons a coal mine, or temporarily closes a coal mine for a period of more than 90 days, shall promptly be reported to the Secretary.

In addition, mine operators must notify MSHA when a new mine is opened or a previously abandoned or inactive mine is reopened so that an inspection can be conducted. The information gathered and recorded on mine maps is essential for the safe operation of the mine and is essential for assuring compliance with the safety standards imposed by the Mine Act and MSHA regulations. The information is unavailable from any other source. Only the mine operator is capable of continuously updating the mine map. Inaccurate or outdated information would endanger miner safety.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

! requiring respondents to report information to the agency more often

than quarterly;

! requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;

! requiring respondents to submit more than an original and two copies of any document;

! requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;

! in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;

! requiring the use of a statistical data classification that has not been reviewed and approved by OMB;

! that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or

! requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

The requirements are consistent with the guidelines in 5 CFR 1320.5.

8. If applicable, provide a copy and identify the data and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years -- even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

In accordance with 5 CFR 1320.8 (d), MSHA will publish the proposed information collection requirements in the Federal Register, notifying the public that these information collection requirements are being reviewed in accordance with the Paperwork Reduction Act of 1995, and giving interested persons 60 days to submit comments.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

MSHA has decided not to provide payments or gifts to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

The Mine Act and Section 75.1203 provide that the coal mine map and any revision and supplement thereof shall be available for inspection by the Secretary or his authorized representative, by coal mine inspectors of the State in which the mine is located, by miners in the mine and their representatives and by operators of adjacent coal mines and by persons owning, leasing, or residing on surface areas of such mines or areas adjacent to such mines. The operator shall furnish to the Secretary or his authorized representative and to the Secretary of Housing and Urban Development, upon request, one or more copies of such maps and any revision and supplement thereof. Such map or revision and supplement thereof shall be kept confidential and its contents shall not be divulged to any other person, except to the extent necessary to carry out the provisions of this Act and in connection with the functions and responsibilities of the Secretary of Housing and Urban Development.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons form whom the information is requested, and any steps to be taken to obtain their consent.

There are no questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**

- **If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.**

- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.**

Mining companies maintain maps of their operations for a multitude of purposes. These maps serve as a graphic presentation of work completed and projected and as such are invaluable planning tools. The maps provide information essential to communicating operating directives, to training personnel, to calculating and projecting equipment purchases, to scheduling and planning development mining and underground construction, to calculating royalty payments, and have traditionally been required by State agencies for licensing, permits and employee safety purposes. MSHA standards require only such information as would have value in evaluating that the operation is complying with specific safety standards and accurate and up-to-date mine maps are essential in the event of a major mine accident event.

Nevertheless, MSHA standards do specify that these maps be created (a record of mining activities), be available for inspection and require copies provided to MSHA and, in that sense, impose a recordkeeping burden.

MSHA estimates (using FY 2004 labor costs calculated from weighted averages of U.S. Coal Mine Salaries, Wages and Benefits - 2004 Survey Results, Western Mine Engineering, Inc. and actual numbers of operating underground and surface coal mines) that the annual burden for CFR Title 30 Part 75 Subpart M - Maps is as follows:

Maps are prepared and revised twice annually based upon information gathered through mine surveying and kept up-to-date by notations between revisions. An MSHA estimate that of the 642 underground mines working at any given time, only 25% (161) are large enough to have survey crews, drafting or computer drafting and a professional engineer or surveyor on the payroll. MSHA also estimates that it takes approximately 8 hours for a three person survey crew to complete all activities related to surveying a typical underground coal mine. It also takes an engineer 4 hours to review the survey crew's work and perform other related activities and 4 hours for a draftsman or computer technician to update the map or input survey data. The remaining 75% (481) of the underground mines utilize contract surveying and engineering companies.

2004 Underground Coal Mines	642
Surface Coal Mines	944
	1,586 Respondents

161 mines x 3 man surveying crew x 8 hrs X 2/year = 7,728 hours

For registered engineer or surveyor to supervise surveying, drafting and certify map accuracy:

161 mines x 1 registered engineer or surveyor x 4 hours x 2/year = 1,288 hours

Data entry, system operation or drafting, preparation of prints and documents for state or federal agencies

161 mines x 1 draftsmen/computer technician x 4 hours x 2/year = 1,288 hours

MSHA estimates that the average hourly cost for such technical personnel, survey crewmen is equivalent to that on a coal miner at $26.39 per hour for an annual cost of:

7,728 hours x $26.39 per hour = $203,942

MSHA estimates the average hourly cost of an on staff registered engineer or surveyor to be $45.98 per hour for an annual cost of: *1.10 inflation rate used

1,288 hours x $45.98 per hour = $59,222

MSHA estimates the average annual cost of a draftsman/computer technician (or surface office worker) to be the same as a secretary at $22.08 per hour for an annual cost of:

1,288 hours x $22.08 per hour = $28,439

CFR Title 30 Sections 75.1204 and 75.1204-1 requires that the certified mine maps be revised and supplemented to the date of the closure and a copy be submitted to MSHA. Safety specialists estimate that it takes approximately 2 additional hours to update the map. MSHA's records show that there is an average of 114 underground coal mine closures each year. Those closures may be temporary, permanent or permanent with all surface openings sealed. In all cases, if the closure is for a period greater than 90 days, the mine operator is required to submit to the MSHA District Manager an updated mine map.

114 mine closure maps x 2 hours = 228 hours

MSHA estimates that the update and submittal of the closure map will require the services of both the draftsman/computer technician to be the same as a secretary at $22.08 and a registered engineer or surveyor at hourly costs of $45.98 each:

114 hours per closure map x $22.08 per hour for draftsman/computer tech.= $2,517

114 hours per closure map x $45.98 per hour for registered engineer/surveyor = $5,242

MSHA's estimate of burden hours and cost for CFR Title 30 Sections 75.373 and 75.1721 for underground mine operators to notify MSHA prior to opening a new mine or reopening a previously abandoned or inactive mine is as follows:

Section 75.1721 specifies the information and mandatory mine plans which must be submitted to the MSHA District Manager prior to opening the mine and prior to MSHA conducting an inspection before coal extraction begins. The required notification does not include the submittal of a certified mine map but does include documents and preliminary roof control and mine ventilation plans normally developed by a mine safety director, a production manager or an engineering technician. The information and plans required in the notification are neither complex nor extremely detailed due to the presumed need to revise the plans as soon as experience is gained in the actual mining conditions. The revised plan submittals are addressed under their respective sections in other recertification estimates. MSHA recorded (ACA inspection events) the opening or reopening of 114 underground mines in fiscal year 2004 and estimates that each notification required 6 hours to formulate and submit the required information and preliminary plans.

114 new mine or reopening of mine notifications x 6 hours = 684 hours

MSHA estimates that the average hourly cost for preparation of such notifications to be $59.19 per hour for a mine supervisor/safety director resulting in a burden cost of:

684 hours x $59.19 per hour for mine supervisor/safety director = $40,486

MSHA's estimate of the burden hours and costs of CFR Title 30 Part 77 Subpart M - Maps (77.1200, 77.1201 and 77.1202) for surface mine operators to conduct the surveying, prepare and maintain the required certified mine maps is as follows:

In fiscal year 2001 MSHA recorded 944 active surface mines. MSHA estimates that 25% (or 236) of those mines are sufficiently large to employ full time survey crews and registered engineers with the remaining 75% (or 708) utilize contract surveying/engineering companies. Generally, surveying of surface mines can be accomplished more efficiently, using more sophisticated surveying equipment and fewer man hours. In addition, there exists substantially less risk of miners being entrapped or the mines requiring major mine rescue or recovery efforts. As a result, the surface mine map standards do not include the continuous updating with notations, availability at the mine site in a fire proof repository, or revisions every 6 months. However, the mine maps must be certified by a registered engineer or surveyor. MSHA estimates that a survey crew of three, including the registered engineer or surveyor, can maintain the required map accurately and sufficiently up-to-date to satisfy the operating needs of the mine and have available to a representative of the Secretary the required information on the mine map. A typical surface survey is estimated to take 8 hours to complete by the survey crew with an additional 4 hours by the engineer to review the work and conduct related activities. MSHA estimates the survey crewmen hourly rate to be equivalent to that on a coal miner at $26.39 per hour and the registered engineer or surveyor hourly rate at $45.98 per hour.

236 mines x 2 survey crewmen x 8 hours = 3,776 hours

236 mines x 1 engineer x 4 hours = 944 hours

3,776 hours x $26.39 per hour = $99,649

944 hours x $45.98 per hour for a register engineer/surveyor = $43,405

Total Burden Hours = 15,936
Total Direct Burden Cost = $482,902

The summary and total burden hours and costs for all CFR Title 30 Parts 75 and 77 are as follows:

Regulation/Site	Task/Staff	# Mines	Staff	Hrs/ Staff	Annual Fre-quency	Burden Hours
Part 75 Subpart M - Maps (75.1200, 75.1200-1, 75.1201, 75.1202, 75.1202-1 and 75.1203) (excluding mine closure maps)						
	Survey	161	3	8	2	7,728
	Engineer	161	1	4	2	1,288

	Data entry, etc	161	1	4	2	1,288
	Subtotal					10,304
Mine closure maps (75.1204 and 75.1204-1) Closure updates						
	Revise/Notify	114	1	2	1	228
	Subtotal					228
MSHA notification of opening new mines or reopening inactive or abandoned mines (75.373 and 75.1721)						
	Notify MSHA	114	1	6	1	684
	Subtotal					684
Part 77 Subpart M - Maps (77.1200, 77.1201 and 77.1202)						
	Survey Crew	236	2	8	1	3,776
	Engineer	236	1	4	1	944
	Subtotal					4,720
	TOTAL					**15,936**

13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).

- **The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.**
- **If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**

! **Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.**

MSHA has not included any capital equipment costs for the underground or surface coal mines large enough to maintain their own surveying and map making capabilities because that equipment is only incidentally used in complying with the standards. No equipment must be purchased specifically for the purpose of providing/gathering the information required by these standards. Mine maps are prepared on office equipment and or engineering equipment maintained at the mine or in the contractors office for normal business related engineering activities and not for use in collecting data to satisfy MSHA's mine map requirements.

MSHA estimates that 75% of surface and underground mines are not sufficiently large to justify equipping and maintaining a surveying, drafting and engineering capabilities dedicated to the mine. In general, these operations generally will utilize contract surveying and engineering services in preparing and maintaining mine maps. Even where a parent company or coal mineral rights owner provides these services to several small mine operations, the arrangement involve service contract charges to the individual mines. MSHA estimates each underground mine requires a 3 man contract surveying crew (includes the registered engineer or surveyor) to survey each underground mine twice each month and each surface mine quarterly to maintain the information necessary for accurate and up-to-date mine maps. Each on site visit is estimated to be 6.5 hours at $193 per hour (*1.10 inflation rate used). In addition, the contract surveying/engineering company would provide to the operator an updated certified mine map twice annually and additional copies for operator to send to MSHA and other agencies at an additional charge of $44 per print (*1.10 inflation rate used).

Underground Coal Mine Contract Surveying / Mine Map Cost Estimate

481 mines x 6.5 hours per mine survey x $193 per hour x 24 surveys	= $14,481,948
481 mines x 2 updated maps per year x 3 prints x $44	= $ 126,984

Surface Coal Mine Contract Surveying/Mine Map Cost Estimate

708 mines x 6.5 hours x $193 per hour x 4 surveys per year	= $ 3,552,744
708 mines x 2 updated maps per year x 2 prints x $44	= $ 124,608

Underground Mine Closure Maps - MSHA Notification Cost Estimate

MSHA estimates the only additional costs for preparation and submittal of mine closure maps involves the copying and postage costs. Such costs are estimated to average $50 per map for copying and special mail packaging and handling (*1.10 inflation rate used).

114 closure maps x $50	= $ 5,700

Opening of New Underground Mine or Reopening of Inactive or Abandoned Mine - MSHA Notification

114 opening or reopening notifications x $5.50 mail each notification	= $ 627

Total Burden Costs Associated with Providing Certified Mine Maps = $18,292,611

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

Cost to the Federal Government is minimal. The compliance of maintaining mine maps up-to-date and with the required information is examined by Federal mine inspectors in the course of routine mine inspections. Therefore, the requirements result in no significant additional costs to the Federal government. Underground Coal Mine maps are mailed to the MSHA District Office in the district the mine is located. Cost to the Federal Government consists of the cursory examination of the map by MSHA inspection personnel for the required information and clerical and mailing costs for mailing the maps to the Office of Surface Mining, Reclamation and Enforcement repository and maintaining the copy of the map in the MSHA repository.

15. Explain the reasons for any program changes or adjustments reporting in Items 13 or 14 of the OMB Form 83-I.

Respondents: There was an 821 decrease (from 2,407 to 1,586) in respondents. This is due to a decrease in the number of mines.

Hours: There was a 7,992 hour decrease (from 23,928 to 15,936). A decrease in the number of mines is also reflected in a decrease in burden hours.

Cost: There was a decrease of $5,510,549 in costs (from $23,803,160 to $18, 292,611). This is a direct result of the decrease in the number of mines.

16. For collections of information whose results will be published, outline plans for tabulation, and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

MSHA does not intend to publish the results of this information collection.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

There are no forms associated with this information collection; therefore, MSHA is not seeking approval to not display the expiration date for OMB approval of this information collection.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submission," of OMB 83-I.

There are no exceptions to the certification statement identified in Item 19 of the OMB 83-I.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

The agency should be prepared to justify its decision not to use statistical methods in any case where such methods might reduce burden or improve accuracy of results. When Item 17 on the Form OMB 83-I is checked "Yes", the following documentation should be included in the Supporting Statement to the extent that it applies to the methods proposed:

1. Describe (including a numerical estimate) the potential respondent universe and any sampling or other respondent selection method to be used. Data on the number of entities (e.g., establishments, State and local government units, households, or persons) in the universe covered by the collection and in the corresponding sample are to be provided in tabular form for the universe as a whole and for each of the strata in the proposed sample. Indicate expected response rates for the collection as a whole. If the collection had been conducted previously, include the actual response rate achieved during the last collection.

2. Describe the procedures for the collection of information including:

. Statistical methodology for stratification and sample selection,

. Estimation procedure,

. Degree of accuracy needed for the purpose described in the justification,

. Unusual problems requiring specialized sampling procedures, and

. Any use of periodic (less frequent than annual) data collection cycles to reduce burden.

3. Describe methods to maximize response rates and to deal with issues of non-response. The accuracy and reliability of information collected must be shown to be adequate for intended uses. For collections based on sampling, a special justification must be provided for any collection that will not yield "reliable" data that can be generalized to the universe studied.

4. Describe any tests of procedures or methods to be undertaken. Testing is encouraged as an effective means of refining collections of information to minimize burden and improve utility. Tests must be approved if they call for answers to identical questions from 10 or more respondents. A proposed test or set of tests may be submitted for approval separately or in combination with the main collection of information.

5. Provide the name and telephone number of individuals consulted on statistical aspects of the design and the name of the agency unit, contractor(s), grantee(s), or other persons(s) who will actually collect and/or analyze the information for the agency.

As statistical analysis is not required by the regulation, questions 1 through 5 do not apply.

Federal Mine Safety & Health Act of 1977,
Public Law 91-173,
as amended by Public Law 95-164

An Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That this Act may be cited as the "Federal Mine Safety and Health Act of 1977".

MAPS

SEC. 312. (a) The operator of a coal mine shall have in a fireproof repository located in an area on the surface of the mine chosen by the mine operator to minimize the danger of destruction by fire or other hazard, an accurate and up-to-date map of such mine drawn on scale. Such map shall show the active workings, all pillared, worked out, and abandoned areas, except as provided in this section, entries and aircourses with the direction of airflow indicated by arrows, contour lines of all elevations, elevations of all main and cross or side entries, dip of the coalbed, escapeways, adjacent mine workings within one thousand feet, mines above or below, water pools above, and either producing or abandoned oil and gas wells located within five hundred feet of such mine and any underground area of such mine, and such other information as the Secretary may require. Such map shall identify those areas of the mine which have been pillared, worked out, or abandoned which are inaccessible or cannot be entered safely and on which no information is available. Such map shall be made or certified by a registered engineer or a registered surveyor of the State in which the mine is located. Such map shall be kept up to date by temporary notations and such map shall be revised and supplemented at intervals prescribed by the Secretary on the basis of a survey made or certified by such engineer or surveyor.

(b) The coal mine map and any revision and supplement thereof shall be available for inspection by the Secretary or his authorized representative, by coal mine inspectors of the State in which the mine is located, by miners in the mine and their representatives and by operators of adjacent coal mines and by persons owning, leasing, or residing on surface areas of such mines or areas adjacent to such mines. The operator shall furnish to the Secretary or his authorized representative and to the Secretary of Housing and Urban Development, upon request, one or more copies of such map and any revision and supplement thereof. Such map or revision and supplement thereof shall be kept confidential and its contents shall not be divulged to any other person, except to the extent necessary to carry out the provisions of this Act and in connection with the functions and responsibilities of the Secretary of Housing and Urban Development.

(c) Whenever an operator permanently closes or abandons a coal mine, or temporarily closes a coal mine for a period of more than ninety days, he shall promptly notify the

Secretary of such closure. Within sixty days of the permanent closure or abandonment of the mine, or, when the mine is temporarily closed, upon the expiration of a period of ninety days from the date of closure, the operator shall file with the Secretary a copy of the mine map revised and supplemented to the date of the closure. Such copy of the mine map shall be certified by. a registered surveyor or registered engineer of the State in which the mine is located and shall be available for public inspection.

[Code of Federal Regulations]
[Title 30, Volume 1]
[Revised as of July 1, 2004]
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TITLE 30--MINERAL RESOURCES

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PART 75_MANDATORY SAFETY STANDARDS_UNDERGROUND COAL MINES--Table of Contents

Subpart D_Ventilation

Sec. 75.372 Mine ventilation map.

(a)(1) At intervals not exceeding 12 months, the operator shall submit to the district manager 3 copies of an up-to-date map of the mine drawn to a scale of not less than 100 nor more than 500 feet to the inch. A registered engineer or a registered surveyor shall certify that the map is accurate.

(2) In addition to the informational requirements of this section the map may also be used to depict and explain plan contents that are required in Sec. 75.371. Information shown on the map to satisfy the requirements of Sec. 75.371 shall be subject to approval by the district manager.

(b) The map shall contain the following information:

(1) The mine name, company name, mine identification number, a legend identifying the scale of the map and symbols used, and the name of the individual responsible for the information on the map.

(2) All areas of the mine, including sealed and unsealed worked-out areas.

(3) All known mine workings that are located in the same coalbed within 1,000 feet of existing or projected workings. These workings may be shown on a mine map with a scale other than that required by paragraph (a) of this section, if the scale does not exceed 2,000 feet to the inch and is specified on the map.

(4) The locations of all known mine workings underlying and overlying the mine property and the distance between the mine workings.

(5) The locations of all known oil and gas wells and all known drill holes that penetrate the coalbed being mined.

(6) The locations of all main mine fans, installed backup fans and motors, and each fan's specifications, including size, type, model number, manufacturer, operating pressure, motor horsepower, and revolutions per minute.

(7) The locations of all surface mine openings and the direction and quantity of air at each opening.

(8) The elevation at the top and bottom of each shaft and slope, and shaft and slope dimensions, including depth and length.

(9) The direction of air flow in all underground areas of the mine.

(10) The locations of all active working sections and the four-digit identification number for each mechanized mining unit (MMU).

(11) The location of all escapeways.

(12) The locations of all ventilation controls, including permanent stoppings, overcasts, undercasts, regulators, seals, airlock doors, haulageway doors and other doors, except temporary ventilation controls on working sections.

(13) The direction and quantity of air--

(i) Entering and leaving each split;

(ii) In the last open crosscut of each set of entries and rooms; and

(iii) At the intake end of each pillar line, including any longwall or shortwall.

(14) Projections for at least 12 months of anticipated mine development, proposed ventilation controls, proposed bleeder systems, and the anticipated location of intake and return air courses, belt entries, and escapeways.

(15) The locations of existing methane drainage systems.

(16) The locations and type of all AMS sensors required by subpart D of this part.

(17) Contour lines that pass through whole number elevations of the coalbed being mined. These lines shall be

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spaced at 10-foot elevation levels unless a wider spacing is permitted by the district manager.

(18) The location of proposed seals for each worked-out area.

(19) The entry height, velocity and direction of the air current at or near the midpoint of each belt flight where the height and width of the entry are representative of the belt haulage entry.

(20) The location and designation of air courses that have been redesignated from intake to return for the purpose of ventilation of structures, areas or installations that are required by this subpart D to be ventilated to return air courses, and for ventilation of seals.

(c) The mine map required by Sec. 75.1200 may be used to satisfy the requirements for the ventilation map, provided that all the information required by this section is contained on the map.

[61 FR 9829, Mar. 11, 1996, as amended at 69 FR 17530, Apr. 2, 2004]

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Subpart D_Ventilation

Sec. 75.373 Reopening mines.

After a mine is abandoned or declared inactive, and before it is reopened, mining operations shall not begin until MSHA has been notified and has completed an inspection.

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Subpart M_Maps

Sec. 75.1200 Mine map.

[Statutory Provisions]

The operator of a coal mine shall have in a fireproof repository located in an area on the surface of the mine chosen by the mine operator to minimize the danger of destruction by fire or other hazard, an accurate and up-to-date map of such mine drawn on scale. Such map shall show:

(a) The active workings;

(b) All pillared, worked out, and abandoned areas, except as provided in this section;

(c) Entries and aircourses with the direction of airflow indicated by arrows;

(d) Contour lines of all elevations;

(e) Elevations of all main and cross or side entries;

(f) Dip of the coalbed;

(g) Escapeways;

(h) Adjacent mine workings within 1,000 feet;

(i) Mines above or below;

(j) Water pools above; and

(k) Either producing or abandoned oil and gas wells located within 500 feet of such mine and any underground area of such mine; and,

(l) Such other information as the Secretary may require. Such map shall identify those areas of the mine which have been pillared, worked out, or abandoned, which are inaccessible or cannot be entered safely and on which no information is available.

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Subpart M_Maps

Sec. 75.1200-1 Additional information on mine map.

Additional information required to be shown on mine maps under Sec. 75.1200 shall include the following:

(a) Name and address of the mine;

(b) The scale and orientation of the map;

(c) The property or boundary lines of the mine;

(d) All drill holes that penetrate the coalbed being mined;

(e) All shaft, slope, drift, and tunnel openings and auger and strip mined areas of the coalbed being mined;

(f) The location of all surface mine ventilation fans; the location may be designated on the mine map by symbols;

(g) The location of railroad tracks and public highways leading to the mine, and mine buildings of a permanent nature with identifying names shown;

(h) The location and description of at least two permanent base line points coordinated with the underground and surface mine traverses, and the location and description of at least two permanent elevation bench marks used in connection with establishing or referencing mine elevation surveys;

(i) The location of any body of water dammed in the mine or held back in any portion of the mine; provided, however, such bodies of water may be shown on overlays or tracings attached to the mine maps used to show contour lines as provided under paragraph (m) of this section;

(j) The elevations of tops and bottoms of shafts and slopes, and the floor at the entrance to drift and tunnel openings;

(k) The elevation of the floor at intervals of not more than 200 feet in:

(1) At least one entry of each working section, and main and cross entries;

(2) The last line of open crosscuts of each working section, and main and cross entries before such sections and main and cross entries are abandoned;

(3) Rooms advancing toward or adjacent to property or boundary lines or adjacent mines;

(l) The elevation of any body of water dammed in the mine or held back in any portion of the mine; and,

(m) Contour lines passing through whole number elevations of the coalbed being mined. The spacing of such lines shall not exceed 10-foot

elevation levels, except that a broader spacing of contour lines may be approved by the District Manager for steeply-pitching coalbeds. Contour lines may be placed on overlays or tracings attached to mine maps.

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Subpart M_Maps

Sec. 75.1201 Certification.

[Statutory Provisions]

Such map shall be made or certified by a registered engineer or a registered surveyor of the State in which the mine is located.

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Subpart M_Maps

Sec. 75.1202 Temporary notations, revisions, and supplements.

[Statutory Provisions]

Such map shall be kept up-to-date by temporary notations and such map shall be revised and supplemented at intervals prescribed by the Secretary on the basis of a survey made or certified by such engineer or surveyor.

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Subpart M_Maps

Sec. 75.1202-1 Temporary notations, revisions, and supplements.

(a) Mine maps shall be revised and supplemented at intervals of not more than 6 months.
(b) Temporary notations shall include:
(1) The location of each working face of each working place;
(2) Pillars mined or other such second mining;
(3) Permanent ventilation controls constructed or removed, such as seals, overcasts, undercasts, regulators, and permanent stoppings, and the direction of air currents indicated;
(4) Escapeways designated by means of symbols.

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Subpart M_Maps

Sec. 75.1203 Availability of mine map.

[Statutory Provisions]

The coal mine map and any revision and supplement thereof shall be available for inspection by the Secretary or his authorized representative, by coal mine inspectors of the State in which the mine is located, by miners in the mine and their representatives and by operators of adjacent coal mines and by persons owning, leasing, or residing on surface areas of such mines or areas adjacent to such mines. The operator shall furnish to the Secretary or his authorized representative and to the Secretary of Housing and Urban Development, upon request, one or more copies of such maps and any revision and supplement thereof. Such map or revision and supplement thereof shall be kept confidential and its contents shall not be divulged to any other person, except to the extent necessary to carry out the provisions of this Act and in connection with the functions and responsibilities of the Secretary of Housing and Urban Development.

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Subpart M_Maps

Sec. 75.1204 Mine closure; filing of map with Secretary.

[Statutory Provisions]

Whenever an operator permanently closes or abandons a coal mine, or temporarily closes a coal mine for a period of more than 90 days, he shall promptly notify the Secretary of such closure. Within 60 days of the permanent closure or abandonment of the mine, or, when the mine is temporarily closed, upon the expiration of a period of 90 days from the date of closure, the operator shall file with the Secretary a copy of the mine map revised and supplemented to the date of the closure. Such copy of the mine map shall be certified by a registered surveyor or registered engineer of the State in which the mine is located and shall be available for public inspection.

[35 FR 17890, Nov. 20, 1970, as amended at 60 FR 33723, June 29, 1995]

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Subpart M_Maps

Sec. 75.1204-1 Places to give notice and file maps.

Operators shall give notice of mine closures and file copies of maps with the Coal Mine Safety District Office for the district in which the mine is located.

[35 FR 17890, Nov. 20, 1970, as amended at 60 FR 33723, June 29, 1995]

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Subpart R_Miscellaneous

Sec. 75.1721 Opening of new underground coal mines, or reopening and reactivating of abandoned or deactivated coal mines, notification by the operator; requirements.

(a) Each operator of a new underground coal mine, and a mine which has been abandoned or deactivated and is to be reopened or reactivated, shall prior to opening, reopening or reactivating the mine notify the Coal Mine Health and Safety District Manager for the district in which the mine is located of the approximate date of the proposed or actual opening of such mine. Thereafter, and as soon as practicable, the operator of such mine shall submit all preliminary plans in accordance with paragraphs (b) and (c) of this section to the District Manager and the operator shall not develop any part of the coalbed in such mine unless and until all preliminary plans have been approved.

(b) The preliminary plans required to be submitted by the operator to the District Manager shall be in writing and shall contain the following:

(1) The name and location of the proposed mine and the Mine Safety and Health Administration mine identification number, if known;

(2) The name and address of the mine operator(s);

(3) The name and address of the principal official designated by the operator as the person who is in charge of health and safety at the mine;

(4) The identification and approximate height of the coalbed to be developed;

(5) The system of mining to be employed;

(6) A proposed roof control plan containing the information specified in Sec. 75.220.

(7) A proposed mine ventilation plan containing the information specified in Sec. Sec. 75.371 and 75.372;

(8) A proposed plan for sealing worked-out areas containing the information specified in Sec. Sec. 75.371 and 75.372.

(9) A proposed program for searching miners for smoking materials in accordance with the provisions of Sec. 75.1702; and,

(10) A proposed plan for emergency medical assistance and emergency communication in accordance with the provisions of Sec. Sec. 75.1713-1 and 75.1713-2.

(c) The preliminary plans required to be submitted by the operator

to the District Manager shall be in writing and shall contain the following:

(1) The proposed training plan containing the information specified in Sec. Sec. 48.3 and 48.23 of this chapter, and

(2) A proposed plan for training and retraining certified and qualified persons containing the information specified in Sec. 75.160-1.

[44 FR 9380, Feb. 13, 1979, as amended at 47 FR 23641, May 28, 1982; 57 FR 20929, May 15, 1992]

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PART 77_MANDATORY SAFETY STANDARDS, SURFACE COAL MINES AND SURFACE WORK AREAS OF UNDERGROUND COAL MINES--Table of Contents

Subpart M_Maps

Sec. 77.1200 Mine map.

The operator shall maintain an accurate and up-to-date map of the mine, on a scale of not less than 100 nor more than 500 feet to the inch, at or near the mine, in an area chosen by the mine operator, with a duplicate copy on file at a separate and distinct location, to minimize the danger of destruction by fire or other hazard. The map shall show:

(a) Name and address of the mine;

(b) The property or boundary lines of the active areas of the mine;

(c) Contour lines passing through whole number elevations of the coalbed being mined. The spacing of such lines shall not exceed 25-foot elevation levels, except that a broader spacing of contour lines may be approved by the District Manager for steeply pitching coalbeds. Contour lines may be placed on overlays or tracings attached to mine maps.

(d) The general elevation of the coalbed or coalbeds being mined, and the general elevation of the surface;

(e) Either producing or abandoned oil and gas wells located on the mine property;

(f) The location and elevation of any body of water dammed or held back in any portion of the mine: Provided, however, Such bodies of water may be shown on overlays or tracings attached to the mine maps;

(g) All prospect drill holes that penetrate the coalbed or coalbeds being mined on the mine property;

(h) All auger and strip mined areas of the coalbed or coalbeds being mined on

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the mine property together with the line of maximum depth of holes drilled during auger mining operations.

(i) All worked out and abandoned areas;

(j) The location of railroad tracks and public highways leading to the mine, and mine buildings of a permanent nature with identifying names shown;

(k) Underground mine workings underlying and within 1,000 feet of the active areas of the mine;

(l) The location and description of at least two permanent base line

points, and the location and description of at least two permanent elevation bench marks used in connection with establishing or referencing mine elevation surveys; and,

(m) The scale of the map.

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PART 77_MANDATORY SAFETY STANDARDS, SURFACE COAL MINES AND SURFACE WORK AREAS OF UNDERGROUND COAL MINES--Table of Contents

Subpart M_Maps

Sec. 77.1201 Certification of mine maps.

Mine maps shall be made or certified by an engineer or surveyor registered by the State in which the mine is located.

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Subpart M_Maps

Sec. 77.1202 Availability of mine map.

The mine map maintained in accordance with the provisions of Sec. 77.1200 shall be available for inspection by the Secretary or his authorized representative.